

Attorney Docket No. LEAP:125US
U.S. Patent Application No. 10/810,773
Reply to Office Action of December 22, 2006
Date: March 22, 2007

Remarks/Arguments

The Objection to Claims 1-11 and 17-18

The Examiner has objected to Claims 1-11 and 17-18 due to minor informalities. More specifically, the Examiner objected to Claim 1 for insufficient antecedent basis for the limitations “the left” and “the right” in lines 4, 6 and 10, and the recitation of “a microscope stage drive mechanism” in line 5; Claim 17 for insufficient antecedent basis for the limitation “said stage drive mechanism” in line 2; and, Claim 18 for insufficient antecedent basis for the limitation “said stage drive mechanism” in line 2. The Examiner has also objected to Claims 2-11 due to their dependency from Claim 1.

Applicants have amended: Claim 1 to provide proper antecedent basis for “the left” and “the right,” and to clarify that a single stage drive mechanism is being recited; Claim 16 to provide proper antecedent basis for “said stage drive mechanism” as recited in line 2 of Claim 17; and, Claim 18 to provide proper antecedent basis for “said stage drive mechanism” as recited in line 2 of Claim 18.

In view of the foregoing, Applicants courteously assert that removal of these objections is appropriate and respectfully requested.

The Rejection of Claims 16-17, 20 and 22-23 Under 35 USC § 103

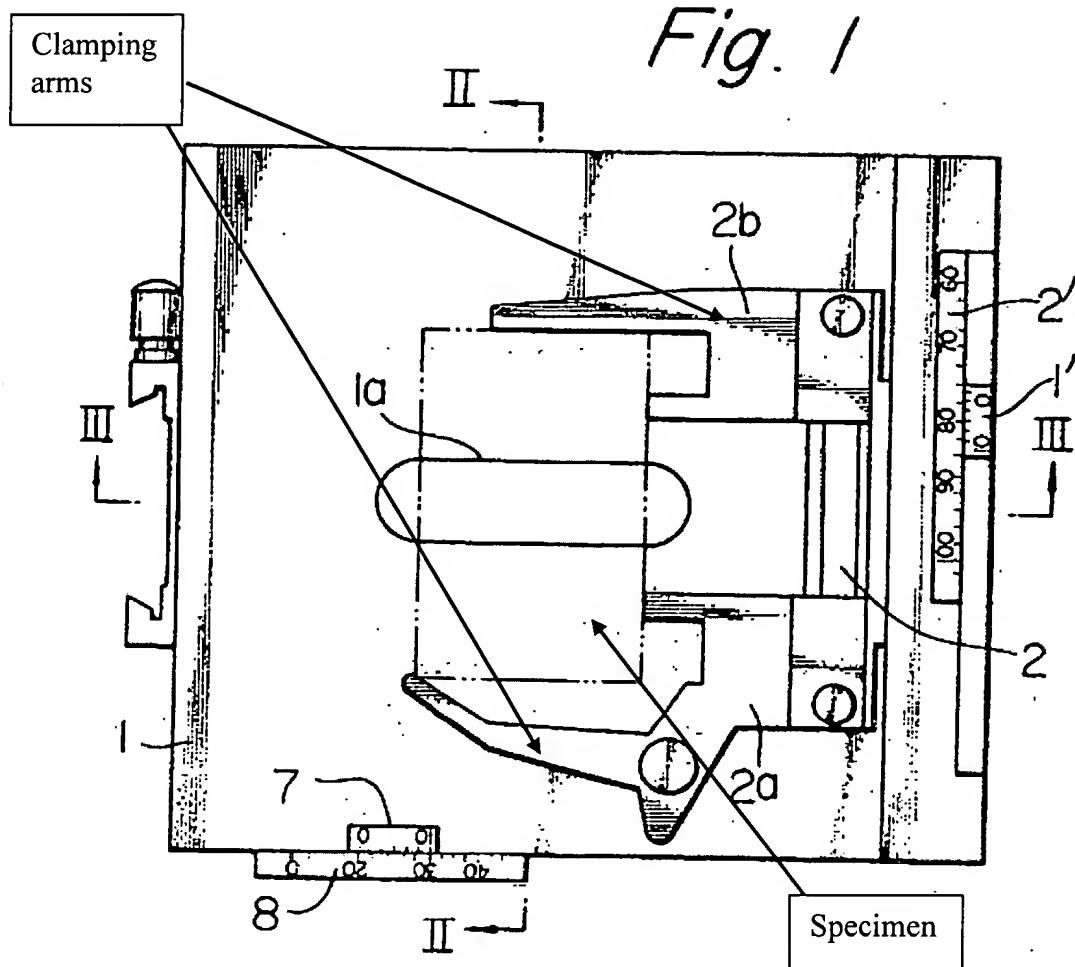
The Examiner rejected Claims 16-17, 20 and 22-23 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 3,572,888 (*Kawashima*) in view of United States Patent No. 2,500,604 (*Daniel*). Applicants respectfully traverse this rejection and request reconsideration for the following reasons.

Applicants courteously submit that although *Kawashima* teaches a rotary and transversely adjustable microscope stage, *Kawashima* fails to teach a microscope stage having a hole on each of the left and the right sides of the stage and a stage drive mechanism detachably securable to the microscope stage via either the hole on the left side or the hole on the right side of the stage. Applicants respectfully assert that clamping arms 2a and 2b, slide member 3, guide

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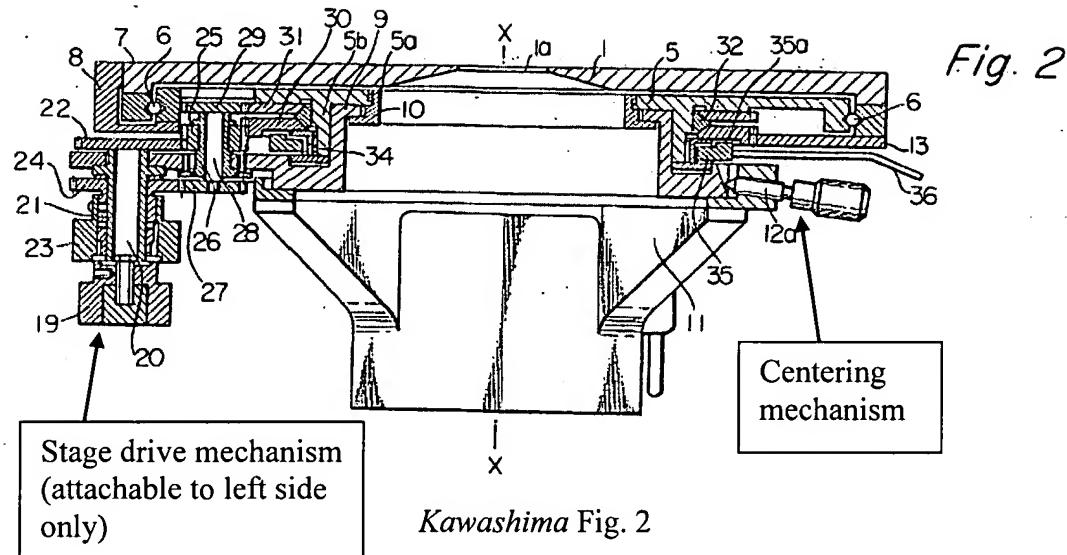
slot 14, pin 17 and their associated mounting hardware do not result in a stage drive mechanism, as identified by the Examiner. Clamping arms 2a and 2b form clamping holder 2, and clamping holder 2 is supported by a slide member 3. (*Kawashima*, Col. 3, Lines 16-23). As can be seen in Fig. 1 of *Kawashima*, clamping holder 2, via clamping arms 2a and 2b, secures a specimen (e.g., the slide shown in broken lines) to be observed with the microscope. Pin 17 is secured to slide member 15 and slidably engages guide slot 14, defined by guide plates 14a and 14b, thereby permitting slide member 3 and hence clamping holder 2 to move relative to the upper stage 1. (*Kawashima*, Col. 4, Lines 5-17). Applicants courteously submit that as described in *Kawashima*'s disclosure, the aforementioned elements do not drive the microscope stage or clamping holder. Contrarily, *Kawashima* discloses that "the movement of each of the upper stage member 1 and the clamping holder 2 can be effected independently from each other by operating the respective handles 19 and 23," and there is no teaching of attaching handles 19 and 23 to the holes in clamping holder 2 as asserted by the Examiner. (*Kawashima*, Col. 5, Lines 49-52). Thus, Applicants respectfully assert that *Kawashima* teaches a stage drive mechanism comprising handles 19 and 23, however fails to teach holes on the left and right side of the stage, and fails to teach a stage drive mechanism releasably securable to these holes. In other words, as can be seen in the figures below, handles 19 and 23 can only be attached to the left side of the stage since there are no complimentary mounting features on the right side of the stage, and furthermore, centering mechanism 12a prevents any attachment of handles 19 and 23 to the right side of the stage.

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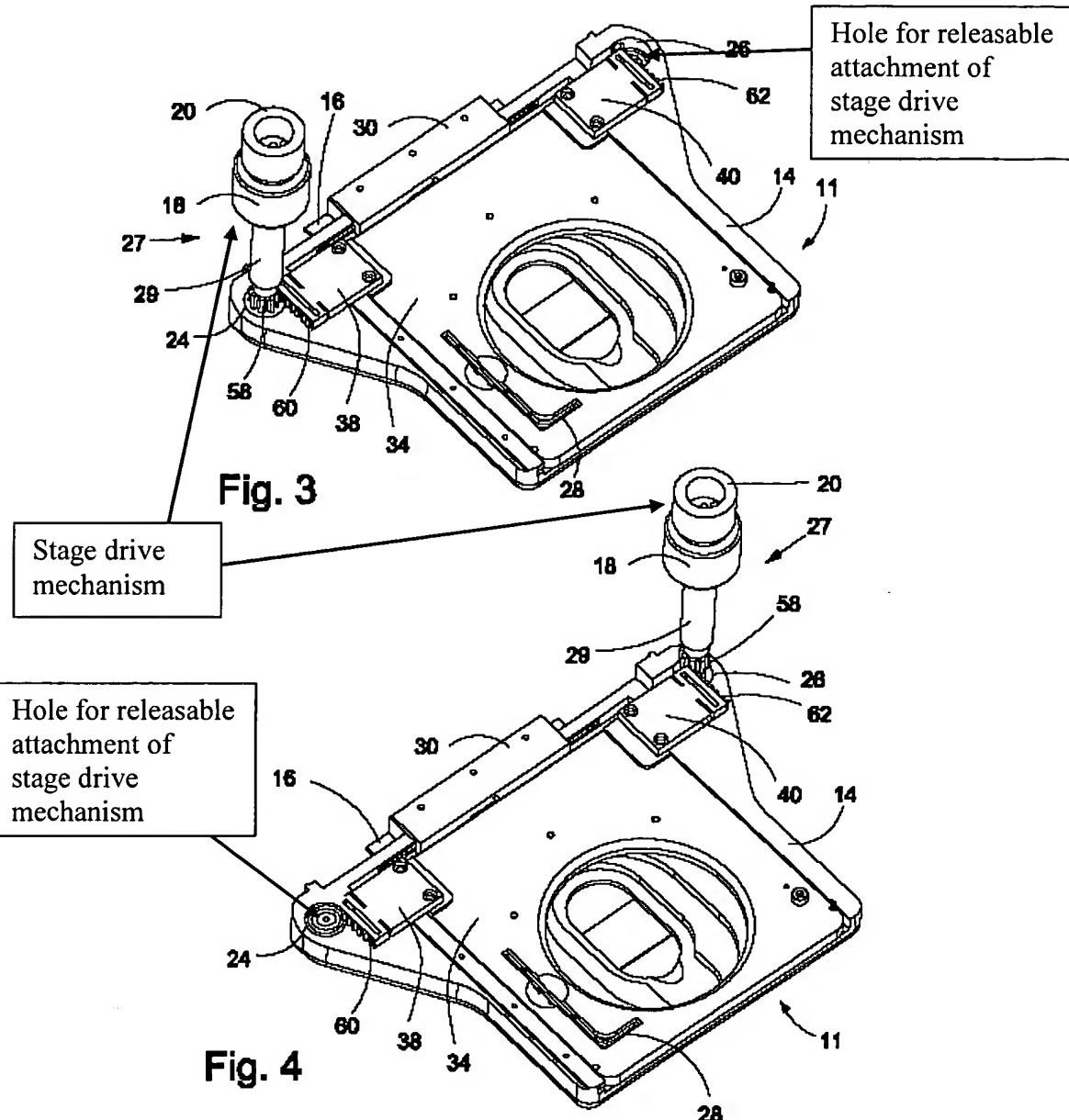
Kawashima Fig. 1

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Contrarily, Applicants teach a microscope stage having a stage drive mechanism releasably securable to a hole on the left side or a hole on the right side of the stage. More specifically, Applicants disclose that “[d]rive 27 comprises drive shaft 29, first stage positioning knob 18, and second stage positioning knob 20. Drive shaft 29 comprises outer drive shaft 22 and inner drive shaft 48 (shown in Figure 9). Drive 27 is arranged to be detachably secured to the underside of stage 14 in a plurality of locations to accommodate use by a right hand or a left hand.” (Instant Application, Paragraph [0020]). Thus, in the configuration shown in Figure 3 below, “drive 27 is detachably secured within mounting hole 24,” while in the configuration shown in Figure 4 below, “drive 27 is detachably secured within mounting hole 26.” (Instant Application, Paragraphs [0021] and [0022]).

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Applicants Figs. 3 and 4

Furthermore, *Daniel* does not cure the defects of *Kawashima* regarding the elements of Claim 16 that are not taught or disclosed by this reference, *i.e.*, a microscope stage having a hole on each of the left and the right sides of the stage and a stage drive mechanism detachably

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securable to the microscope stage via either the hole on the left side or the hole on the right side of the stage. Applicants courteously submit that *Daniel* may teach securing a slide holder with a screw, however a slide holder is not a stage drive mechanism, as recited in Applicants' Claim 16. As such, it does not follow that *Daniel* teaches a microscope stage having a hole on each of the left and the right sides of the stage and a stage drive mechanism detachably securable to the microscope stage via either the hole on the left side or the hole on the right side of the stage as recited in Applicants' Claim 16, and described in Applicants' specification.

In order to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In addition, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Hence, as independent Claim 16 contains elements that are not disclosed in the cited references, it follows that Claim 16 is patentable over *Kawashima* in view of *Daniel*. Dependent Claims 17, 20 and 22-23 contain all of the limitations of independent Claim 16, due to their dependency therefrom. Thus, as Claim 16 is non-obvious in view of *Kawashima* and *Daniel* due to the missing elements, it necessarily follows that Claims 17, 20 and 22-23 are also non-obvious in view of *Kawashima* and *Daniel*, due to their dependency from Claim 16.

Accordingly, withdrawal of the rejections of Claims 16-17, 20 and 22-23 under 35 U.S.C. § 103(a) is appropriate and respectfully requested.

The Rejection of Claims 19 and 21 Under 35 USC § 103

The Examiner rejected Claims 19 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Kawashima* in view of *Daniel* as applied to Claim 16 above, and further in view of United States Patent No. 5,802,925 (*Kanao*). Applicants respectfully traverse this rejection and request reconsideration for the reasons set forth above and the following reasons.

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As described *supra*, *Kawashima* and *Daniel* fail to teach all the elements of Applicants' Claim 16. Furthermore, *Kanao* does not cure the defects of *Kawashima* and *Daniel* regarding the elements of Claim 16 that are not taught or disclosed by these references, *i.e.*, a microscope stage having a hole on each of the left and the right sides of the stage and a stage drive mechanism detachably securable to the microscope stage via either the hole on the left side or the hole on the right side of the stage, as recited in Applicants' Claim 16. Applicants courteously submit that although *Kanao* teaches a microscope, there is no teaching, suggestion or motivation to include a hole on the left and the right side of the stage, or a releasably securable stage drive mechanism, and as such, it does not follow that *Kanao* teaches the invention recited in Applicants' Claim 16.

Hence, as independent Claim 16 contains elements that are not disclosed in the cited references, it follows that Claim 16 is also patentable over *Kawashima* in view of *Daniel* and further in view of *Kanao*. Dependent Claims 19 and 21 contain all of the limitations of independent Claim 16, due to their dependency therefrom. Thus, as Claim 16 is non-obvious in view of *Kawashima* and *Daniel*, and further in view of *Kanao* due to the missing elements, it necessarily follows that Claims 19 and 21 are also non-obvious in view of *Kawashima* and *Daniel*, and further in view of *Kanao*, due to their dependency from Claim 16.

Accordingly, withdrawal of the rejections of Claims 19 and 21 under 35 U.S.C. § 103(a) is appropriate and respectfully requested.

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Conclusion

Applicants respectfully submit that the present application is in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,



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